THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

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WRIT PETITON Nos.7274 , 7296, 7304, 74817928,

and 7909 of 2005

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Dated: 13.03.2006

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WRIT PETITON No.7274 of 2005:

Between:

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P.Satyavathi D/o Pothanna

… **PETITIONER**

And:

Northern Power Distribution Company Limited,

Represented by its Chairman and Managing Director

Khairatabad, Hyderabad, and others.

… **RESPONDENTS**

WRIT PETITON No.7296 of 2005:

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Between:

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K.Ashok s/O Dhamanna

… **PETITIONER**

And:

Northern Power Distribution Company Limited,

Represented by its Chairman and Managing Director

Khairatabad, Hyderabad, and others.

… **RESPONDENTS**

WRIT PETITON No.7304 of 2005:

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Between:

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P.Ashok Kumar S/o P.Narasimlu

… **PETITIONER**

And:

Northern Power Distribution Company Limited,

Represented by its Chairman and Managing Director

Khairatabad, Hyderabad, and others.

… **RESPONDENTS**

WRIT PETITON No.7481 of 2005:

Between:

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D.Ravinder S/o Satyanarayana

… **PETITIONER**

And:

Northern Power Distribution Company Limited,

Represented by its Chairman and Managing Director

Khairatabad, Hyderabad, and others.

… **RESPONDENTS**

WRIT PETITON No.7909 of 2005:

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Between:

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Effatullah Baig S/o Basheer Baig

… **PETITIONER**

And:

Northern Power Distribution Company Limited,

Represented by its Chairman and Managing Director

Khairatabad, Hyderabad, and others.

… **RESPONDENTS**

WRIT PETITON No.7928 of 2005:

Between:

S.Rama Krishna S/O Narayana

… **PETITIONER**

And:

Northern Power Distribution Company Limited,

Represented by its Chairman and Managing Director

Khairatabad, Hyderabad, and others.

… **RESPONDENTS**

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITON Nos.7274 , 7296, 7304, 74817928,

and 7909 of 2005

COMMON ORDER:

The petitioners in all these writ petitions claim to have worked as contract labourers

to attend various works of the Northern Power Distribution Company Limited. They filed these writ petitions questioning the orders of rejection of their claim for appointment in regular vacancies, passed by the second respondent on 08.01.2005.

The earst-while Andhra Pradesh State Electricity Board has issued B.P.Ms.No. 36 dated 18.05.1997 to consider the claims of Ex. casual labourers while filling up fifty percent of the existing vacancies in initial recruitment cadres. The petitioners state that they worked as contract labourers under the supervision of a contractor, by name, K.Namdeo of Gunjala village, Narnoor Mandal. When their claim for appointment against regular vacancies was not considered by the respondents, they filed W.P.No.3040 of 2003 before this Court and pursuant to the orders of this Court, their claims were considered and rejected by the respondents through the impugned orders dated 08.01.2005 alleging that the service certificates relied on by the petitioners indicate that the contract works which were entrusted to the contractor were either prior to 18.05.1997 or thereafter, and the petitioners were not on rolls on the crucial notified date i.e., 18.05.1997, on which date the said B.P.M.S.No. 36 was issued. Further, it is also stated that there was no check measurements nor any comments by the departmental officials.

It is the case of the petitioners that the service certificates issued by the contractor, which are also counter-signed by the concerned Assistant Engineer, indicate that they worked as contract labourers continuously from 01.01.1996 in relation to erection of electrical lines and sub-stations, which is covered by Agreement Nos.23/95-96, 7/97-98 and 16/97-98. It is their further case that in view of the said certificates, it is not open for the respondents to plead that the petitioners were not on rolls as on 18.05.1997 for rejecting their claims.

In the counter-affidavit filed on behalf of the respondents, it is stated that the contractor who has issued the above certificates, had confessed that the said certificates issued by him are not correct. Further, during the course of arguments, the learned Standing Counsel also submitted that the certificates were not genuine.

A reading of the impugned proceedings does not indicate that the claim of the petitioners is rejected on the ground that the service certificates were not genuine. In that view of the mater, it is not open for the respondents to put-forth such a case for the first time before this Court. Even in the impugned proceedings there is no clear finding to the effect that the petitioners were not on rolls as contract labourers as on 18.05.1997. When it was submitted on behalf of the respondents that the contractor had confessed to the effect that the service certificates issued by him were not correct, the learned Standing Counsel was directed to produce the relevant record. The said record was produced which shows that there was correspondence between Superintending Engineer and Contractor. But there is no such confession given by the contractor, as indicated. In that view of the matter, any enquiry, which runs contrary to these service certificates, which are counter-signed by the Assistant Engineer, cannot be the reason for rejecting the claim of the petitioners for appointment. Though it is stated in the impugned proceedings that the works said to have been attended by the petitioners were earlier to 1997 or later to 1997, the works, which are covered by the certificates issued to the petitioners indicate that they were entrusted to a contractor between 1995-96 and 1997-98. Inasmuch as the contractor is not made a party, as it is pleaded that the service certificates were not genuine, I deem it appropriate to give further opportunity to the respondents to conduct enquiry by fixing a date by summoning the contractor and the petitioners.

Accordingly, the writ petitions are disposed of setting aside the impugned orders of rejection, dated 08.01.2005, and the respondents are directed to conduct necessary enquiry with regard to the genuineness of the service certificates issued by the contractor in favour of the petitioners and to verify as to whether the petitioners were on rolls as on 18.05.1997 or not so as to extend the benefit of G.O.Ms.No. 36 dated 18.05.1997. After such enquiry, if it is found that the petitioners were on rolls as on 18.05.1997, their claims shall be considered in the future vacancies as and when they arise, subject to the compliance of all other conditions.

Subject to the above directions, the writ petitions are disposed of. There shall be no order as to costs.

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13.03.2006

Note: Furnish C.C. in three days.

(B/o)

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